

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEREK WARDLAW,

Plaintiff,

v.

1:16-cv-2067-WSD

IRA EDWARDS et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge John K. Larkins III’s Final Report and Recommendation [3] (“R&R”), recommending that this action be transferred to the Athens Division of the United States District Court for the Middle District of Georgia (“Middle District of Georgia”).

On June 13, 2016, Plaintiff, a prisoner, proceeding *pro se*, filed his Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 [1] (“Complaint”), alleging he was subject to unconstitutional conditions during his confinement in the Clarke County Jail (the “Jail”) in Athens, Georgia.¹ Plaintiff names as defendants the Sheriff of Clarke County, and a doctor and four officers who work at the Jail. Plaintiff seeks damages and an injunction correcting conditions at the Jail. On June 22, 2016,

¹ Plaintiff is currently confined at Central State Prison in Macon, Georgia.

the Magistrate Judge issued his R&R, recommending that this action be transferred to the Middle District of Georgia. Plaintiff has not filed objections to the R&R and the Court thus reviews it for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied, 464 U.S. 1050 (1984).

A civil action may be brought in:

(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

The Magistrate Judge found that this action should be transferred to the Middle District of Georgia because (1) Plaintiff’s Complaint “concerns only his confinement at the Jail and people who work at the Jail (and, to the extent he does not work there, the Clarke County Sheriff),” and (2) the Jail is located in Clarke County, which is within the jurisdiction of the Middle District of Georgia. ([3] at 2). The Court finds no plain error in this determination.

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge John K. Larkins III's Final Report and Recommendation [3] is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **TRANSFERRED** to the Athens Division of the United States District Court for the Middle District of Georgia.

SO ORDERED this 22nd day of September, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE